

CALIFORNIA STATE PERSONNEL BOARD MEETING
801 Capitol Mall
Sacramento, California

Public Session Location - Room 150
Closed Session Location - Room 141

MID-MONTH BOARD MEETING MINUTES

JUNE 22, 1999

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

1. ROLL CALL

BOARD MEMBERS PRESENT:

Florence Bos, President
Richard Carpenter, Member
William Elkins, Member
Lorrie I. Ward, Member

2. REPORT OF THE EXECUTIVE OFFICER - Walter Vaughn

The Board was advised of the following:

- A. State Personnel Board member William Elkins has been scheduled for a Senate confirmation hearing on June 30, 1999.
- B. State Personnel Board staff will revise our brochures to provide greater information to appellants on obtaining interpreters for our hearings.
- C. Sean Harrigan was recently appointed as a member of the State Personnel Board and will attend the July 7, 1999 meeting.
- D. State Personnel Board staff has been working with Cooperative Personnel Services to resolve issues raised by General Services concerning their ability to provide licensing tests for state departments.

- E. State Personnel Board staff has completed the development of a guide for new department directors.

3. REPORT OF THE CHIEF COUNSEL - Elise Rose

The Chief Counsel reported on the following:

Litigation

- A. Kidd/Swiden v. State Personnel Board - New settlement conference scheduled for July 19, 1999.
- B. Codioli v. State Personnel Board - Judge Connelly requested additional information from the parties and resubmitted the case.

Other

- A. Administrative Law Judge conference is scheduled for Wednesday, June 23, 1999.
- B. State Personnel Board Precedential Decision class is scheduled for June 24, 1999.

4. NEW BUSINESS

- A. State Personnel Board President, Florence Bos presented a resolution to Lorrie Ward marking the end of her 10-year appointment as a Board member. (See page 16)

5. REPORT ON LEGISLATION - Judy Balmain

The Board was advised of the following:

- A. Rick Simpson, Governor Davis' "liaison to the Legislature" has resigned his position. Mr. Simpson will return to his prior position with Speaker Villaraigosa.
- B. AB 688 (Steinberg) - Contract review bill that would require a budget appropriation before it could be implemented did not receive funding. The bill is in Senate Rules pending assignment.

- C. SB 1073 (Ortiz) State Personnel Board's omnibus bill is set for June 30, 1999 in the Assembly Public Employment and Retirement Committee.
- D. SB 951 (Hayden) - This bill would change the law as it relates to retaliation and is set for June 30, 1999 in the Assembly Public Employment and Retirement Committee.

BOARD ACTIONS

6. STATE PERSONNEL BOARD SUMMARY MINUTES OF JUNE 8, 1999

ACTION: Adopted on June 22, 1999.

VOTE: Bos, Carpenter, Elkins, Ward - Aye.

7. ADMINISTRATIVE LAW JUDGE CASES

On June 22, 1999, the Board adopted the following decisions presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Bos, Carpenter, Elkins, Ward - Aye.

PROPOSED DECISIONS

FRANKLIN WARREN, CASE NO. 98-3164

Appeal from demotion

Department of the Youth Authority

ACTION: Board adopted findings of fact, but revoked penalty of demotion

ALI ALASSADI, CASE NO. 99-0314

Appeal from 60 days suspension

Department of Transportation

ACTION: Suspension sustained

CHAUNCEY L. MANN, CASE NO. 98-4634

Appeal from separation without fault (TAU)

Department of Corrections

ACTION: Determined SPB has no jurisdiction over TAU termination

LORRAINE ZEPEDA, CASE NO. 98-4119

Appeal for denial of reasonable accommodation

Employment Development Department

ACTION: Appeal for reasonable accommodation granted

ROY W. JOHNSON, Ph.D., CASE NO. 98-4813

Appeal from non-punitive demotion
Department of Corrections
ACTION: Non-punitive demotion sustained

ALBERT ESCAMILLA, CASE NO. 98-4378
Appeal from dismissal
Department of Corrections
ACTION: Administrative Law Judge's proposed decision
rejected by Board. Board to decide case itself.

JOSEPH J. RAMOS, CASE NO. 98-3746
Appeal from dismissal
Department of Consumer Affairs
ACTION: Dismissal sustained

RANDY DEHAZIER, CASE NO. 98-2650
Appeal from dismissal
Department of Corrections
ACTION: Dismissal sustained

MICHAEL VALENTINE aka THOMAS M. VALENTINE, CASE NO. 98-4893
Appeal From 60-calendar days suspension
Department of Social Services
ACTION: Board adopted proposed

SHARON BRYANT, CASE NO. 98-1381
Appeal from 180 working days suspension
Department of Corrections
ACTION: Board adopted findings of fact, but modified
penalty of dismissal to 15 working days suspension

SHERDICK MILLER, CASE NO. 98-3761
Appeal from dismissal
Department of the Youth authority
ACTION: Dismissal revoked

ARJUN MEHTA, CASE NO. 98-5183
Appeal from 5 percent reduction in Salary for 12 months
Department of Corrections
ACTION: Reduction in salary sustained

HARRY C. BARRETT, CASE NO. 98-5069
Appeal from 5 percent reduction in Salary for 6 months
Department of Transportation
ACTION: Reduction in salary sustained

TRINA TURNER, CASE NO. 98-4606

Appeal from dismissal

State Compensation Insurance Fund

ACTION: Dismissal modified to 8 months suspension

JOAN M. CALLAWAY, CASE NO. 98-4900

Appeal from 5 percent reduction in Salary for 6 months

Department of Transportation

ACTION: Reduction in salary sustained

ANGELA M. LOGSTON, CASE NO. 98-3466

Appeal from demotion

State Compensation Insurance Fund

ACTION: Demotion sustained

CHARLES EVANS, CASE NO. 98-4368

Appeal from dismissal

Department of General Services

ACTION: Dismissal sustained

STANLEY TAYLOR, CASE NO. 98-2438

Appeal from dismissal

Department of Water Resources

ACTION: Dismissal modified to 60-calendar days suspension

PETITIONS FOR REHEARING

JESSE BROWN, CASE NO. 98-0384

Appeal from constructive medical termination

Department of General Services

ACTION: Petition for rehearing filed by appellant denied

IGNACIO SALAZAR, CASE NO. 98-1560

Appeal from dismissal

Department of Corrections

ACTION: Petition for rehearing filed by appellant granted

8. RESOLUTION RE NOTICE OF GOVERNMENT CODE SECTION 18671.1
EXTENSION. (See pages 12-15)
9. MISCELLANEOUS APPEALS DIVISION CASES
(Discrimination Complaints, Withholds, Voided Appointments,
Rule 211 Appeals, Petitions for Rehearing)
On June 22, 1999, the Board adopted the following decisions
presented by Linda Brooks, Assistant Executive Officer,
California State Personnel Board.

VOTE: Bos, Carpenter, Elkins, Ward - Aye.

PETITION FOR REHEARING

- A. JAMES M. NAU, Case No. 99-1474
Classification: Cadet, California Highway Patrol
ACTION: DENIED

WITHHOLD CASES

- B. JOHN BYRNE, Case No. 98-2701
Classification: Group Supervisor
ACTION: DENIED
- C. JOSEPH DELOUIS, Case No. 98-2329
Classification: Cadet, California Highway Patrol
ACTION: DENIED
- D. JAMES GUICHARD, Case No. 98-2317
Classification: Labor Relations Analyst
ACTION: DENIED
- E. JEAN PIERRE-NGUYEN, Case No. 98-2325
Classification: Correctional Officer
ACTION: DENIED

WITHHOLD DENIAL CASES

- F. JAVIER TANGUMA, Case No. 99-0501
Classification: Correctional Officer
ACTION: DENIED
- G. GEORGE ACEVES; Case No. 99-1076
Classification: Cadet, California Highway Patrol
ACTION: DENIED

DISMISSAL CASE

- H. GEORGE SOLIS , Case No. 99-0823
Classification: Cadet, California Highway Patrol
ACTION: Withdrawn, to be scheduled as a hearing

10. MEDICAL APPEALS

On June 22, 1999, the Board adopted the following decisions presented by Linda Brooks, Assistant Executive Officer, California State Personnel Board.

VOTE: Bos, Carpenter, Elkins, Ward - Aye.

- A. JOHN FLORES, Case No. 99-1015

Classification: Correctional Officer
ACTION: DENIED

- B. YOLANDA WIMER, Case No. 98-3395
Classification: Youth Correctional Officer
ACTION: DENIED
- C. CRYSTAL GORDON, Case No. 99-1743
Psychological Disqualification
Classification: Correctional Officer
ACTION: GRANTED
- D. ALBERT MADRID, Case No. 99-1485
Psychological Disqualification
Classification: Correctional Officer
ACTION: GRANTED
- E. JOHNNY RINCON III, Case No. 99-1487
Classification: Correctional Officer
Psychological Disqualification
ACTION: GRANTED
- F. CHRIS SANDOVAL, Case No. 99-1746
Psychological Disqualification
Classification: Correctional Officer
ACTION: GRANTED
- G. DAVID SELLERS, Case No. 99-1486
Psychological Disqualification
Classification: Correctional Officer
Psychological Disqualification
ACTION: GRANTED

DISMISSAL

- H. DONNA HUFF, Case No. 99-0487
Classification: Correctional Officer
ACTION: DISMISSED

11. EXAMINATION APPEALS

On June 22, 1999, the Board adopted the following decisions presented by Linda Brooks, Assistant Executive Officer, California State Personnel Board.

VOTE: Bos, Carpenter, Elkins, Ward - Aye.

- A. MARCIA FLOHAUG, Case No. 97-5256
Final Filing Date: February 28, 1997

Examination: Self-Assessment/Supervisory
Evaluation (SASE) report
Class: Staff Services Manager II
Testing Agency: Department of Parks and Recreation
Appeal Received: December 12, 1997
ACTION: DENIED

B. SCOTT WILSON, Case No. 97-4129
Final Filing Date: NO BULLETIN IN FOLDER
Examination: NO BULLETIN IN FOLDER
Class: Correctional Officer
Testing Agency: Department of Corrections
Appeal Received: September 26, 1997
ACTION: DENIED

12. MERIT ISSUE COMPLAINT APPEALS

On June 22, 1999, the Board adopted the following decisions
presented by Linda Brooks, Assistant Executive Officer,
California State Personnel Board.

VOTE: Bos, Carpenter, Elkins, Ward - Aye.

A. RICHARD GORDON, Case No. 98-2155
Classification: Material and Stores Supervisor II
ACTION: GRANTED

B. ELIZABETH SCHREIBER, Case No. 98-3960
Classification: Criminalist
ACTION: DENIED

13. RULE 212 OUT-OF-CLASS APPEALS

On June 22, 1999, the Board adopted the following decisions
presented by Linda Brooks, Assistant Executive Officer,
California State Personnel Board.

VOTE: Bos, Carpenter, Elkins, Ward - Aye.

A. THOMAS STAHL, Case No. 98-3942
Classification: Licensing Program Supervisor
ACTION: GRANTED

14. REQUEST TO FILE CHARGES CASES

On June 22, 1999, the Board took the following actions
presented by Linda Brooks, Assistant Executive Officer,
California State Personnel Board.

VOTE: Bos, Carpenter, Elkins, Ward - Aye.

- A. PETITIONER: Twany Janney, an employee of the Employment Development Department
Action: DENIED
- B. PETITIONER: Michael Noble, an employee of the California Department of Corrections.
ACTION: DENIED

15. NON-HEARING CALENDAR

On June 22, 1999, the Board adopted item "A". This item was presented by Laura Aguilera, Chief, Personnel Resources and Innovation Division, California State Personnel Board.

VOTE: Bos, Carpenter, Elkins, Ward - Aye.

- A. VETERINARY MEDICAL OFFICER (MEAT INSPECTION)
The Department of Food and Agriculture proposes to revise the class series specification of Veterinary Medical Officer (Meat Inspection).

16. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY

A. CEA POSITION ACTIONS CURRENTLY UNDER CONSIDERATION

- (1) ASSISTANT CHIEF, PERSONNEL & TRAINING DIVISION
ASSISTANT CHIEF, ADMINISTRATIVE SERVICES DIVISION
The California Highway Patrol proposes to allocate the above positions to the CEA category for an additional six months. The Department has requested a six-month extension of two temporary CEA positions.

B. CEA POSITION ACTIONS APPROVED BY DPA AND APPROVED OR DENIED BY SPB MANAGEMENT

- (1) CHIEF INFORMATION OFFICER
The Department of Finance's proposed allocation of the above position to the CEA category has been approved.
- (2) CHIEF, INFRASTRUCTURE SUPPORT BRANCH

The Department of Health Services' proposed allocation of the above position to the CEA category has been denied.

- (3) CHIEF, FINANCIAL & MANAGEMENT SERVICES BRANCH
CHIEF, HUMAN RESOURCES & SUPPORT SERVICES BRANCH
The California Energy Commission's proposed allocation of the above positions to the CEA category has been withdrawn.
- (4) R STREET PROJECT MANAGER
The Public Employees Retirement System's proposed allocation of the above position to the CEA category has been approved for a 24-month period.
- (5) DIRECTOR, DIVISION OF LEGAL SUPPORT & TECHNOLOGY
The Department of Justice's proposed allocation of the above position to the CEA category has been approved.

ACTION: Noted

A D J O U R N M E N T

SUBMITTED

1. RANDY HENDERSON, CASE NO. 97-1799. Appeal from dismissal. Department of the Youth Authority. (Oral argument held April 6, 1999.)

NO ACTION

2. YVONNE M. VILLANUAVA, CASE NO. 97-3061. Appeal from dismissal. Department of Corrections. (Oral argument held May 4, 1999.)

NO ACTION

3. DENNIS K. WILLIAMS, CASE NO. 98-2262. Appeal from rejection. Department of Rehabilitation. (Oral argument held May 4, 1999.)

NO ACTION

4. ETHEL WARREN, CASE NO. 98-2130. Appeal from dismissal. Department of Corrections. (Oral argument held June 8, 1999.)

NO ACTION

5. YOUNG PARK, CASE NO. 98-3585 Appeals from 5 percent reduction in salary for 6 months and dismissal. Department of Mental Health. (Oral argument held June 8, 1999.)

NO ACTION

6. SAMUEL SALGADO, CASE NO. 98-1290. Appeal from dismissal. Department of Corrections. (Oral argument held June 8, 1999.)

NO ACTION

7. ANGELA BLAKES, CASE NO. 98-3598. Appeal from official reprimand. Department of the Youth Authority. (Oral argument held June 8, 1999.)

NO ACTION

NOTICE OF GOVERNMENT CODE § 18671.1 RESOLUTION

Since Government Code section 18671.1 requires that cases pending before State Personnel Board Administrative Law Judges (ALJ's) be completed within six months or no later than 90 days after submission of a case, whichever is first, absent the publication of substantial reasons for needing an additional forty-five days, the Board hereby publishes its substantial reasons for the need for the forty-five day extension for some of the cases now pending before it for decision.

An additional forty-five days may be required in cases that require multiple days of hearings, that have been delayed by unusual circumstances, or that involve any delay generated by either party (including, but not limited to, submission of written briefs, requests for settlement conferences, continuances, discovery disputes, pre-hearing motions). In such cases, six months may be inadequate for the ALJ to hear the entire case, prepare a proposed decision containing the detailed factual and legal analysis required by law, and for the State Personnel Board to review the decision and adopt, modify or reject the proposed decision within the time limitations of the statute.

Therefore, at its next meeting, the Board will issue the attached resolution extending the time limitation by 45 days for all cases that meet the above criteria, and that have been before the Board for less than 6 months as of the date of the Board meeting.

GOVERNMENT CODE § 18671.1 RESOLUTION

WHEREAS, Section 18671.1 provides that, absent waiver by the appellant, the time period in which the Board must render its decision on a petition pending before it shall not exceed six months from the date the petition was filed or 90 days from the date of submission; and

WHEREAS, Section 18671.1 also provides for an extension of the time limitations by 45 additional days if the Board publishes substantial reasons for the need for the extension in its calendar prior to the conclusion of the six-month period; and

WHEREAS, the Agenda for the instant Board meeting included an item titled "Notice of Government Code § 18671.1 Resolution" which sets forth substantial reasons for utilizing that 45-day extension to extend the time to decide particular cases pending before the Board;

WHEREAS, there are currently pending before the Board cases that have required multiple days of hearing and/or that have been delayed by unusual circumstances or by acts or omissions of the parties themselves;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the time limitations set forth in Government Code section 18671.1 are hereby extended an additional 45 days for all cases that have required multiple days of hearing or that have been delayed by acts or omissions of the parties or by unusual circumstances and that have been pending before the Board for less than six months as of the date this resolution is adopted.

* * * * *

I hereby certify that the State Personnel Board made and adopted the preceding resolution at its meeting on June 22, 1999.

WALTER VAUGHN
Executive Officer
California State Personnel Board

VOTE: Bos, Carpenter, Elkins, Ward - Aye.

WHEREAS LORRIE I. WARD was appointed to the State Personnel Board by Governor George Deukmejian on March 9, 1989; and

WHEREAS, LORRIE I. WARD as a member of the State Personnel Board for the last ten years, has made a positive contribution to the effectiveness of the State Civil Service System; and

WHEREAS, LORRIE I. WARD served as President of the State Personnel Board and provided strong leadership with great distinction from March 7, 1995 to March 31, 1998; and

WHEREAS, LORRIE I. WARD has demonstrated an uncompromising commitment to upholding the principles of the merit system and its charge to serve and represent all persons in the State of California; and

WHEREAS, LORRIE I. WARD has held several important and demanding positions in the Governor George Deukmejian Administration; and

WHEREAS, LORRIE I. WARD is deserving of special honors and commendations for her years of dedicated public service:

THEREFORE BE IT RESOLVED, that the State Personnel Board recognizes **LORRIE I. WARD's** many years of devoted service and significant contributions to the State and to the people of California and:

BE IT FURTHER RESOLVED, that the State Personnel Board Members take great pleasure in honoring **LORRIE I. WARD**, Member of the State Personnel Board, and would like to extend sincere best wishes to her for continued success in her many interests and endeavors.

FLORENCE BOS, President

This 22nd day of June, 1999

WALTER VAUGHN, Executive Officer